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SIPDIS

SENSITIVE

DEPARTMENT FOR EUR/SE

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TAGS: [PGOV](#) [TU](#) [PHUM](#)

SUBJECT: FREEDOM OF EXPRESSION AND MINORITY PROPERTY ISSUES

MEET: CIVIL SOCIETY KEEPS UP THE FULLCOURT PRESS

REF: A. ANKARA 7242

[B](#). ISTANBUL 1579

[C](#). ISTANBUL 1780

[D](#). 04 ISTANBUL 868

[E](#). ANKARA 3887

[1](#)1. (SBU) Summary and Comment: "The genius of democracy is in freedom of expression; those without this are hunters and gatherers." Thus Can Paker, Chair of TESEV (Istanbul's preeminent thinktank) opened a December 10 conference on Turkey's Minority Rights Question, underlining Turkish civil society actors' commitment to continue testing the limits of freedom of expression in Turkey. While the conference was overshadowed at the time by the press surrounding the Pamuk case, it was a noteworthy contribution to the chorus of civil society actors pressing for freedom of speech. It also kept the spotlight on just how little progress the GOT has made in addressing minority communities' pressing concerns, especially outstanding property issues. End Summary and Comment.

[1](#)2. (SBU) Defiant in the face of charges: Arriving at the conference alongside former High Court of Appeals (Yargitay) President Sami Selcuk was Ankara University Professor Baskin Oran, who last month was charged under two articles of the Turkish Penal Code for his role as one of the principal authors of a 2004 report on minorities in Turkey (ref A). Addressing the gathering, Oran drove home a number of the same points which resulted in criminal charges against him last month. He said the official definition of "nation" in Turkey referred to secular, Muslim, Hanefite, Sunnite and Turkish elements of the society, and that the current public discourse was about deciding what to do with those who cannot call themselves "Turks."

[1](#)3. (SBU) "Extremely disconcerting" cases: Sami Selcuk followed Oran, with a passionate speech defending basic democratic values: a democrat is one who sees the "other" as his equal, he said, asserting that the opposite of this is fascism. Calling some of the cases currently before the courts "extremely disconcerting," Selcuk argued that despite laws on the books limiting freedom of expression, judges should interpret those laws in line with contemporary values, demonstrating that they are not only competent, but wise.

[1](#)4. (SBU) Familiar voices: Dilek Guven of Germany's Bochum University (ref B) and Agos Publisher Hrant Dink (ref C) were among the now familiar faces linking government policies to the nationalization of capital, the anti-Greek riots of September, 1955, and the exclusion of information about minority groups' cultures and faiths in national textbooks. An interesting addition to the program was Professor Herkul Millas from Athens University, who gave examples of discrimination in Greece, noting that Turkey was not the only country in which such problems were seen.

[1](#)5. (SBU) Plus ca change: Many of the conference presentations were similar to those made last June 2004 at a TESEV conference on minority property rights (ref D). Eighteen months later, little -- if any -- movement has occurred in this realm. The Foundations Law, submitted to Parliament last summer, was criticized by EU Enlargement Commissioner Olli Rehn (ref E) and still languishes in committee. Moreover, only 26 percent of the applications (as allowed by 2002 reforms) by minority foundations to recover property seized by the government have been granted, according to Baskin Oran.

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